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of the State of California  
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7 Attorneys for Petitioner

8 **BEFORE THE**  
**RESPIRATORY CARE BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In re Petition for Interim Suspension Order  
Against:

12 DON CARLO M. TRINIDAD  
13 171 Regent Drive  
Pittsburg, CA 94565

14 Respiratory Care Practitioner License  
15 No. 25143

16 Respondent.

RCB Case No. R-2113

**STIPULATION TO AN ORDER OF  
SUSPENSION;  
ORDER**

**RECEIVED**  
NOV 19 2007

Office of Administrative Hearings  
RECEIVED

17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the  
18 above-entitled proceedings that the following matters are true:

- 19 1. On or about October 16, 2007, Supervising Respiratory Therapist  
20 Rosemary Williams at the Alameda County Medical Center (ACMC) notified the Board that  
21 respondent Don Carlo Trinidad was terminated from employment as a contract respiratory  
22 therapist due to reports that on September 8, 2007, September 9, 2007 and September 13, 2007,  
23 respondent used a syringe and needle to remove Fentanyl from patients' intravenous bag.
- 24 2. On September 13, 2007, Rosemary Williams stated that she met with  
25 respondent and asked for an explanation of his actions. Respondent admitted that he removed  
26 Fentanyl from the patients' intravenous bags for his personal use.
- 27 3. Respondent Don Carlos Trinidad has been apprized that Petitioner  
28 Respiratory Care Board intends to file a Petition for Interim Suspension Order with the Office of

1 Administrative Hearings seeking a complete suspension of his Respiratory Care Practitioner  
2 (RCP) license, as well as an Accusation which will allege the underlying charges as a basis for  
3 revoking respondent's RCP license.

4 3. Respondent is aware of his right under California Business & Professions  
5 Code section 494, subdivision (c), to a noticed hearing on any Petition for Interim Order of  
6 Suspension, as well as all other rights accorded him under California Government Code section  
7 11529, subdivision (d), which include, at a minimum, the following rights:

8 (a) To be represented by counsel at his own expense.

9 (b) To have a record made of the proceedings, copies of which may be  
10 obtained by the licentiate upon payment of costs computed in accordance with the  
11 provisions for transcript costs for judicial review contained in Section 11523 of  
12 the Government Code.

13 (c) To present affidavits and other documentary evidence.

14 (d) To present oral argument.

15 Respondent Don Carlo Trinidad hereby knowingly, intelligently, freely and  
16 voluntarily waives each and every one of the rights set forth and/or referenced above, and that in  
17 lieu of responding to a Petition for Interim Suspension Order agrees to a voluntary suspension of  
18 his RCP License No. 25143 immediately.

19 4. Respondent hereby stipulates that his license is suspended pending the  
20 resolution of the charges against him. In so stipulating, respondent acknowledges that his  
21 Respiratory Care Practitioner License No. 25143 shall be suspended until the effective date of  
22 any decision by the Office of Administrative Hearings, following the filing of an accusation.  
23 Respondent acknowledges he shall be prohibited from practicing as a respiratory care therapist in  
24 the State of California, pending the issuance of a final Decision and Order by the Respiratory  
25 Care Board in the instant matter.

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5. Respondent agrees that facsimile copies of this "Stipulation to an order of suspension" including any and all facsimile signatures appearing thereon, may be used in lieu of original documents and signatures and, further, that facsimile copies and signatures shall have the same force and effect as originals.

Dated: 11/14/2007, 2007.

By: 

DON CARLO TRINIDAD  
Respondent

Dated: \_\_\_\_\_, 2007.

EDMUND G. BROWN JR., Attorney General of  
the State of California

By: \_\_\_\_\_

CATHERINE SANTILLAN  
Senior Legal Analyst

Attorneys for Petitioner

**ORDER**

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
ADMINISTRATIVE LAW JUDGE

1                   5.       Respondent agrees that facsimile copies of this "Stipulation to an order of  
2 suspension" including any and all facsimile signatures appearing thereon, may be used in lieu of  
3 original documents and signatures and, further, that facsimile copies and signatures shall have the  
4 same force and effect as originals.

5 Dated: \_\_\_\_\_, 2007.

6  
7 By: DON CARLO TRINIDAD  
8 Respondent

9  
10 Dated: November 16, 2007.

11 EDMUND G. BROWN JR., Attorney General of  
12 the State of California

13 By: Catherine Santillan  
14 CATHERINE SANTILLAN  
15 Senior Legal Analyst

16 Attorneys for Petitioner

17 **ORDER**

18 IT IS SO ORDERED this 20<sup>th</sup> day of November, 2007.

19  
20 Michael C. Cohn  
21 ADMINISTRATIVE LAW JUDGE  
22 Michael C. Cohn  
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